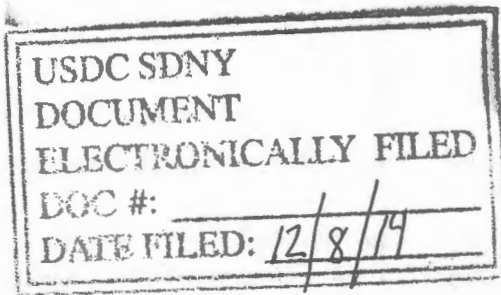


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



International Diamond Importers, Inc.
d/b/a IDI Design and Meira T. Designs,

Plaintiff,

v.

Oriental Gemco (NY), Inc., Oriental Gemco
HK Co., Oriental Gemco Pvt. Ltd., United
Gemco, Inc., and N.K. Nigam,

Defendants,

ECF CASE

Civil Action No. 14-CV-3506 (SAS)

SCHEDULING ORDER

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

a) **December 8, 2014** at 4:30 pm

b) Kalpana Nagampalli, Esq. and Steven M. Crosby, Esq., Feldman Law Group, PC, Attorneys for the Plaintiff, 220 East 42nd Street - Suite 3304, New York, New York 10017

c) Michael S. Horn, Esq., Archer & Greiner, PC, Attorneys for Defendants, Oriental Gemco (NY), Inc., Oriental Gemco HK Co., Oriental Gemco Pvt. Ltd., and N.K. Nigam, 44 Wall Street, 12th Floor, New York, New York 10005

(2) the date by which automatic disclosures will be exchanged is **December 22, 2014**

(3) a concise statement of the issues as they then appear;

International Diamond Importers, Inc. d/b/a IDI Design and Meira T. Designs brings this action against Oriental Gemco (NY) Inc., Oriental Gemco HK Co., Oriental Gemco Pct. Ltd. and N.K. Nigam. Plaintiffs bring claims for copyright infringement, federal trade dress, federal unfair competition, state law deceptive business practices and state law unfair competition.

Defendants brought a motion to dismiss all claims pursuant to Federal Rules of Civil Procedure 12(b) (1), 12 (b)(2), 12 (b)(5) and 12(b)(6). Plaintiffs cross-moved for jurisdictional discovery. The Court has dismissed count against defendants which were based upon Section 349 of the New York General Business Law. The Court has also ordered jurisdictional discovery as to Oriental Gemco HK Co. and Oriental Gemco Pct. Ltd., as described in the Court's Order dated November 24, 2014.

The parties attempted to negotiate settlement again last week, but have hit an impasse. Defendants demand that all of their non-monetary terms be accepted by Plaintiff prior to negotiating monetary terms of settlement.

4) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

Jurisdictional Depositions

- 1) The corporate representative of Oriental Gemco HK Co.
- 2) The corporate representative of Oriental Gemco Pvt. Ltd.
- 3) N.K. Nigam
- 4) other witnesses identified through jurisdictional discovery.

All jurisdictional depositions shall be completed by **2/15/2015**

Substantive Depositions:

- 5) The corporate representative of International Diamond Importers, Inc.
- 6) The corporate representative of Meira T. Designs
- 7) Maria Tugendhaft
- 8) The corporate representative of Oriental Gemco (NY), Inc.
- 9) The corporate representative of Oriental Gemco HK Co.
- 10) The corporate representative of Oriental Gemco Pvt. Ltd.
- 11) N.K. Nigam
- 12) other witnesses identified through substantive discovery.

All substantive depositions shall be completed by **4/10/2015**

(b) a schedule for the production of documents;

Jurisdictional Discovery

- 1) Jurisdictional Document Demands shall be served by Plaintiffs on or before **12/31/2014**;
- 2) Jurisdictional Document Demands shall be responded to on or before **1/31/2015**

Substantive Discovery

- 1) Documents Demands to be served by both parties on or before ~~2/15/2015~~ **12/31/14**;
- 2) Document Demands shall be responded to on or before ~~3/15/2015~~ **1/31/15**;
- 3) Interrogatories shall be served by both parties on or before ~~2/15/2015~~ **12/31/14**;
- 4) Responses to Interrogatories shall be served on or before ~~3/15/2015~~ **1/31/15**;
- 5) Time when fact discovery is to be completed by ~~6/30/2015~~ **4/30/15**

(c) dates by which

- (i) each expert's reports will be supplied to the adverse side

- 1) Plaintiffs shall serve their affirmative Expert Report by ~~7/30/2015~~ **5**;
- 2) Defendants shall serve their rebuttal Expert Reports by ~~8/30/2015~~ **6**

and

- (ii) each expert's deposition will be completed by ~~9/30/2015~~ **7**

- (d) time when all discovery is to be completed by ~~10/15/2015~~ **4/30/15**

- (e) the date by which plaintiff will supply its pre-trial order matters to defendant is ~~11/15/2015~~ **to be scheduled**

- (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial shall be by ~~11/30/2015~~ **to be scheduled**; and

- (g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

blank)

August 10 at 4:30

(leave

- (5) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

The parties will enter into a Confidentiality Order since there will be certain designs and proprietary information that may be disclosed between the parties in furtherance of this matter.

The parties recognize that some of the documents and witnesses may be outside of the United States and therefore additional time will be necessary to complete discovery. Furthermore, the parties recognize that certain witnesses may require a video conference deposition to be taken rather than a live appearance.

(6) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

The parties have not yet experienced any discovery disputes.

(7) anticipated fields of expert testimony, if any;

(8) anticipated length of trial and whether to court or jury is three days. The trial will be a jury trial.

(9) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(10) names, addresses, phone numbers and signatures of counsel;

FELDMAN LAW GROUP, PC

Steven M. Crosby

Kalpana Nagampalli

Nupur Shah

Stephen E. Feldman

42ND Street, Suite 3304

New York, NY 10017

Phone: 212-532-8585

Attorneys for Plaintiffs

By: 

STEVEN M. CROSBY

ARCHER & GREINER, P.C.

Michael Horn

Patrick Papalia

44 Wall Street, Suite 1285

New York, NY 10005


Phone: 212-292-4988

Attorneys for Defendants, Oriental Gemco (NY), Inc., Oriental Gemco HK Co., Oriental Gemco Pvt. Ltd., and N.K. Nigam

By: 

MICHAEL S. HORN

SO ORDERED:


SHIRA A. SCHEINDLIN
U.S.D.J.

12/8/14